

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<b>IN RE PHARMACEUTICAL INDUSTRY</b>	)	
<b>AVERAGE WHOLESALE PRICE</b>	)	<b>MDL NO. 1456</b>
<b>LITIGATION</b>	)	
	)	<b>ACTION: 01-CV-12257-PBS</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>JUDGE PATTI B. SARIS</b>
	)	
<b>THE MASTER CONSOLIDATED</b>	)	<b>CHIEF MAGISTRATE JUDGE</b>
<b>CLASS ACTION</b>	)	<b>MARIANNE B. BOWLER</b>
	)	

**MOTION FOR PROTECTIVE ORDER OF BOEHRINGER INGELHEIM  
CORPORATION, BEN VENUE LABORATORIES, INC., AND BEDFORD  
LABORATORIES**

Pursuant to Federal Rule of Civil Procedure 26(c)(1) and Local Rule 26.2(C), Defendants Boehringer Ingelheim Corporation (“BIC”), Ben Venue Laboratories, Inc. (“Ben Venue”), and Bedford Laboratories (“Bedford”) (together the “Boehringer Defendants”)<sup>1</sup> move for a Protective Order from discovery in the Master Consolidated Class Action, at least until such time as this Court rules on the Boehringer Defendants’ Motion to Dismiss the December 5, 2003 and January 22, 2004 Amended Master Consolidated Class Action Complaints, filed April 7, 2004.

Defendants and Plaintiffs have made a good faith attempt to resolve this discovery issue by telephone conference. However, as of the date of this motion, the parties have not been able to reach agreement.

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<sup>1</sup> BIC, Ben Venue, and Bedford use this nomenclature solely for convenience of the Court and deny that Plaintiffs’ designation of them as a group is accurate or appropriate.

A Memorandum in Support and proposed Order is attached herein for consideration by the Court.

Dated: April 12, 2004

Respectfully submitted,

/s/ Paul J. Coval [signature on file with the Court]

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